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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff

VS.

CHARLES GEORGE TRUCKING
CO., INC., ET AL,
Defendants

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CIVIL ACTION
NO. 85-2463-WD
BBO# 034920

EXHIBIT

Riley 34
8/19/90 Dr

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff

VS.

CHARLES GEORGE TRUCKING
CO., INC., ET AL,
Defendants

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CIVIL ACTION
NO. 85-2714-WD
BBO# 034920

RESPONSE OF THE DEFENDANT, STEPAN COMPANY
TO THE FIRST DOCUMENT REQUEST OF THE UNITED STATES

1. Stepan Company objects to the Request insofar as it seeks discovery of privileged documents, including without limitation confidential attorney-client communications, joint defense privileged documents or documents prepared in contemplation of litigation or in preparation for the trial of pending litigation.

2. Stepan Company objects to the Request to the extent that it seeks production of documents that "pertain", "relate", or "refer" to broadly characterized subjects on the grounds that said requests do not describe said documents with reasonable specificity and that, in light of the ill-defined and expansive import of those terms, they are oppressive, burdensome and cumulative.



3. Stepan Company objects to the time for production set forth in the Request. Stepan Company will produce the documents agreed to be produced at such time as may be most expedient to and agreed upon between Stepan Company and the United States at the offices of counsel, Wynn & Wynn, P.C., 84 State Street, Boston, Massachusetts 02109.

4. Stepan Company objects to the United States' instructions and definitions to the extent that they impose obligations inconsistent with or beyond those contained in the Federal Rules of Civil Procedure.

5. Pursuant to Federal Rule of Civil Procedure 26(b)(1), Stepan Company objects to the Request to the extent that the discovery sought is unreasonably cumulative or duplicative of documents previously provided to the United States in responses to requests made under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

REQUEST

1. Copies of all annual reports prepared and or issued by Stepan Company from January 1, 1968 to the present.

RESPONSE

Objection. This Request is overly broad, unduly vague and burdensome. Without waiving this objection, the Defendant will provide the annual report for 1989.

REQUEST

2. Copies of balance sheets and audit reports for Stepan Company from January 1, 1986 to the present.

RESPONSE

Objection. This Request is overly broad, unduly vague and burdensome. Without waiving this objection, the Defendant will provide the annual report for 1989 which contains this information.

REQUEST

3. Copies of any and all insurance policies which may, in whole or in part, cover the claim(s) made against you in this action.

RESPONSE

Objection. This Request is overly broad, unduly vague and burdensome and not relevant or reasonably calculated to lead to relevant information.

REQUEST

4. Copies of the resumes or curriculum vitae of any and all expert witnesses that you intend to call at the trial of this action.

RESPONSE

Objection. This Request calls for information beyond the scope of Rule 26.

REQUEST

5. Copies of any and all documents that relate or refer to the handling, generation, transportation, treatment, storage and/or disposal of any waste at (or to) the Charles George Landfill. These documents include, but are not limited to contracts, agreements, purchase orders, invoices, shipping documents, manifests, bills of lading, checks and other financial records, as well as copies of correspondence and notes of conversations.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

6. Copies of any and all documents that relate or refer to the handling, generation, transportation, treatment, storage and/or disposal of any waste by the Charles George Trucking Co. These documents include, but are not limited to, contracts, agreements, purchase orders, invoices, shipping documents, manifests, bills of lading, checks and other financial records, as well as copies of correspondence and notes of conversations.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant

has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

7. All documents that relate or refer to the wastes produced by your former facility located in Wilmington, Mass. from January 1, 1964 to September 15, 1989 including, but not limited to, documents that relate or refer to the type, chemical content (including Material Safety Data Sheets of all raw materials used in waste generating processes), amount, storage, removal, and or disposal of such wastes.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

8. All documents that refer or relate to the Charles George Landfill.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

9. All documents that refer or relate to the Charles George Trucking Company, Inc.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

10. All documents that refer or relate to the Charles George Land Reclamation Trust.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

11. All documents that refer or relate to C&J Trucking Co., Inc.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

12. All documents that refer or relate to defendants Charles George, Sr., Dorothy George, Charles George, Jr., James George, Karen Karras, or Dorothy G. Lacerte.

RESPONSE

Objection. This Request is overly broad unduly vague and burdensome. Without waiving this objection, the Defendant has produced all the material in its custody pursuant to the Plaintiff's 104(4) requests.

REQUEST

13. All documents that refer or relate to any of the other defendants in this action.

RESPONSE

Objection. This Request is overly broad, unduly vague, not calculated to lead to relevant information and calls for privileged documents.

REQUEST

14. All appraisals or other documents relating to any evaluation of the Charles George Landfill.

RESPONSE

Objection. This Request is overly broad, unduly vague, not calculated to lead to relevant information and calls for privileged documents. Without waiving this objection, otherwise answering, none.

REQUEST

15. All documents that contain raw data referring or relating to the Charles George Landfill including, without limitation, investigative studies, tests and sampling conducted by you or another person, regardless of whether the data or information is included in any draft or final report.

RESPONSE

Objection. This Request is overly broad, unduly vague, not calculated to lead to relevant information and calls for privileged documents. Without waiving this objection, otherwise answering, none.

REQUEST

16. All documents that refer or relate to any inspection of, survey of, or visit made to the Charles George Landfill by any person, including, without limitation, any officer, employees, agent or contractor of yours.

RESPONSE

Objection. This Request is overly broad, unduly vague, not calculated to lead to relevant information and calls for privileged documents. Without waiving this objection, otherwise answering, none.

REQUEST

17. All documents which refer or relate to any communication between yo and any other person who may have owned or possessed any substance that was consigned, accepted for transport, or delivered, directly or indirectly, to the Charles George Landfill, where such communication related to the transport, delivery or disposal of such substance at the Site.

RESPONSE

Objection. This Request is overly broad, unduly vague, not calculated to lead to relevant information and calls for

privileged documents. Without waiving this objection, otherwise answering, none.

REQUEST

18. All permits, applications, administrative orders or other documents issued by or submitted to any local, state or federal agency that refer or relate, in any way to any substance that you generated, transported, or had transported or delivered, directly or indirectly, at or to the Charles George Landfill, including, without limitation, all correspondence which refers or relates to each such permits, application, order or document.

RESPONSE

Objection. This Requests is overly broad, unduly vague, burdensome and not calculated to lead to relevant information. Without waiving this objection, otherwise answering, none in the Defendant's possession. To the extent they exist, they are public record and equally available to the Plaintiff.

REQUEST

19. All documents relating to communications with federal, state or local governments regarding the Site.

RESPONSE

Objection. This Requests is overly broad, unduly vague, burdensome and not calculated to lead to relevant information. Without waiving this objection, otherwise answering, none in the control of the Defendant. To the

extent they exist, they are public record and equally available to the Plaintiff.

REQUEST

20. Copies of any and all permit applications (including RCRA notices and applications), as well as all permits or approvals that your former facility located in Wilmington, Mass. obtained from the federal, state or local government for the disposal, treatment, generation, storage or transportation of hazardous substances.

RESPONSE

Objection. This Request is overly broad, unduly vague and burdensome. This Request is not calculated to lead to relevant information. The Defendant does not have custody of any records requested which would be public record and equally available to the Plaintiff. A Massachusetts permit was issued for an on-site landfill.

REQUEST

21. Copies of any and all Material Safety Data Sheets for all substances used in the manufacturing processes used by your former facility located in Wilmington, Mass. from January 1, 1964 to September 15, 1980.

RESPONSE

None known to exist.

REQUEST

22. With respect to each person that you expect to call as an expert witness at the trial of this case, please provide

copies of

- a. all documents which the witness reviewed, was given, or has in any way relied upon in forming the opinions the witness may give in the trial of this case; and
- b. all publications authored in whole or in part by such witness.

RESPONSE

The Defendant objects to the extent this Request calls for information beyond the scope of Rule 26.

REQUEST

23. All documents relating to the purchase of National Polychemicals (or certain assets of National Polychemicals or Fisson Corp.) by Stepan Company on or about 1968.

RESPONSE

The Defendant will make available for inspection at its counsel's office all documents within its custody responsive to this Request.

REQUEST

24. All documents that relate or refer to your making National Polychemicals a division of Stepan on or about 1974.

RESPONSE

None available.

REQUEST

25. All documents referring or relating to the purchase of your former facility located in Wilmington, Mass. by Olin Corporation on or about September 15, 1980.

RESPONSE

The Defendant will make available for inspection at its counsel's office all documents within its custody responsive to this Request.

REQUEST

26. All documents relating or referring to the removal and/or disposal of the following substances that were (or may have been) produced by your former facility located in Wilmington, Mass: gypsum cake, plastic and rubber additives, sodium nitrite, chlorides, ammonia compounds, ammonia hydrochloric acid, sulfuric acid, benzonitrite, acetone, benzene, phenol, sodium azide, and diocetyl phthalate.

RESPONSE

None other than what has been produced responsive to the Plaintiff's 104(e) requests.

REQUEST

27. All documents that relate or refer to the chemical content of the gypsum cake produced by your former facility located in Wilmington, Mass.

RESPONSE

None.

REQUEST

28. All documents relating or referring to an administrative order issued by the Commonwealth of Massachusetts, Water Resources Commission, on or about October 1980, with respect to your former facility located in Wilmington, Mass., as well

as all documents relating or referring to an enforcement action brought by the Office of the Attorney General of the Commonwealth of Massachusetts against Stepan Company in 1980 or the late 1970's with respect to this Wilmington facility in which Stepan Company paid a fine of approximately \$16,000.

RESPONSE

The Defendant does not have custody of any responsive documents. These would be public record equally accessible to the Plaintiff.

REQUEST

29. Copies of any and all documents that you identified, referred to or used in any way in responding to the "United States' First Set of Interrogatories to Defendant Stepan Company."

RESPONSE

Objection. This Request is overly broad, unduly vague, burdensome and calls for privileged materials. Without waiving this objection, otherwise answering, all available documents other than those objected to have been produced or will be made available for inspection.

REQUEST

30. Copies of any and all documents that you were requested to identify in responding to the "United States' First Set of Interrogatories to New Defendants Who Filed a Joint Answer on September 5, 1989."

RESPONSE

Objection. This Request is overly broad, unduly vague, burdensome and calls for privileged materials. Without waiving this objection, otherwise answering, all available documents other than those objected to have been produced or will be made available for inspection.

MARYLIN A. BECK
Marylin A. Beck
84 State Street
Boston, MA 02109
(617) 742-7146
BBO# 034920

CERTIFICATE OF SERVICE

I, Marylin A. Beck, of the law firm Wynn & Wynn, P.C., attorney for the Defendant, Eckel Industries, Inc., hereby certify that on March 21, 1990, I mailed a copy of the foregoing, postage prepaid, to all counsel of record.

MARYLIN A. BECK
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